

UNITED STATES DISTRICT COURT
for the
DISTRICT OF NEW HAMPSHIRE

**CAROLINE CASEY and MAGGIE
FLAHERTY**

Plaintiffs,

v.

**WILLIAM GARDNER, in his official
capacity as New Hampshire Secretary of
State, and**
**GORDON MACDONALD, in his official
capacity as New Hampshire Attorney
General**

Defendants.

**NEW HAMPSHIRE DEMOCRATIC
PARTY, By Raymond Buckley, Chair**

Plaintiff,

v.

**WILLIAM GARDNER, in his official
capacity as New Hampshire Secretary of
State, and**
**GORDON MACDONALD, in his official
capacity as New Hampshire Attorney
General**

Defendants.

Consolidated Case No.: 1:19-cv-00149-JL

JOINT STATEMENT REGARDING STATUS OF DISCOVERY

Pursuant to the Court's January 7, 2020 Order, the parties submit the below Joint Statement on the status of discovery.

A bench trial is currently scheduled in this matter for the two-week period beginning May 4, 2020. In addition, the parties are scheduled for oral argument before the New Hampshire Supreme Court in *Casey et al v. Gardner et al*, Case No. 2019-0693, on March 10, 2020 to discuss proposed answers to this Court's certified questions.

Pursuant to the Joint Updated Discovery Plan adopted by the Court on January 7, 2020, paper discovery is to close on March 2, 2020, and all discovery is to close on April 1, 2020. The parties believe they are on track to meet these deadlines.

As of February 25, 2020, when Defendant produced their final set of documents responsive to Casey and Flaherty's First Request for Production of Documents to All Defendants, propounded August 6, 2019, all requests for production of documents among the parties have been completed, subject to review of privilege logs which have also been produced.

All interrogatories propounded in this case have been responded to. On November 27, 2019, the Court ordered Defendants produce initial responses to the plaintiffs' contention interrogatories by December 13, 2019, and ordered that the responses shall be supplemented at a later date to be agreed by the parties or ordered by the court. The parties have conferred and agree that the supplemental responses shall be produced by April 8, 2020.

To date, the parties have conducted three depositions. Two more are currently scheduled, and the parties anticipate approximately a dozen more depositions will be conducted.

On February 20, 2020, the plaintiffs served a subpoena for documents on a former state senator who served on the Senate Election Law Committee when HB 1264 was considered and on February 24, 2020, senate legal counsel accepted service of similar subpoenas for two state senators who also served on that panel. Plaintiffs provided the subpoenas to Senate legal counsel

and all parties on February 7, 2020. Plaintiffs' counsel and senate legal counsel have agreed to extend the deadline for compliance to those subpoenas to March 13, 2020.

The parties are unaware of any other discovery issues at the time.

Respectfully submitted,

CAROLINE CASEY AND MAGGIE FLAHERTY,

By and through their attorneys affiliated with the American Civil Liberties Union of New Hampshire Foundation and the American Civil Liberties Union Foundation,

Dated: March 2, 2020

/s/ Henry R. Klementowicz

Gilles R. Bissonnette (N.H. Bar No. 265393)
Henry R. Klementowicz (N.H. Bar No. 21177)
AMERICAN CIVIL LIBERTIES UNION OF NEW HAMPSHIRE FOUNDATION
18 Low Avenue
Concord, NH 03301
Tel.: 603.224.5591
gilles@aclu-nh.org
henry@aclu-nh.org

Julie A. Ebenstein, *pro hac vice*
Dale E. Ho, *pro hac vice*
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
Voting Rights Project
125 Broad Street, 18th Floor
New York, NY 10004
Tel.: 212.549.2500
jebenstein@aclu.org
dho@aclu.org

AND

Respectfully submitted,

NEW HAMPSHIRE DEMOCRATIC PARTY,
By Raymond Buckley, its chair

By its attorney,

Dated: March 2, 2020

/s/ Henry R. Klementowicz for

William E. Christie
NH Bar # 11255
S. Amy Spencer
NH Bar # 266617
James J. Armillay, Jr.

NH Bar # 271651
Shaheen & Gordon, P.A.
107 Storrs Street
P.O. Box 2703
Concord, NH 03302-2703
(603) 225-7262

AND

Respectfully submitted,

WILLIAM M. GARDNER, Secretary of
State of the State of New Hampshire,
in his official capacity, et al.,

By their attorney,

Gordon J. MacDonald
Attorney General

Dated: March 2, 2020

/s/ Henry Klementowicz for

Seth M. Zoracki, Bar No. 267887
Assistant Attorney General
Anthony J. Galdieri, Bar No. 18594
Senior Assistant Attorney General
Samuel R. V. Garland, Bar No. 266273
Attorney
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301
(603) 271-3650
seth.zoracki@doj.nh.gov